

REQUEST FOR COUNCIL ACTION

SUBJECT: Text Amendment – Amend the Zoning Ordinance to allow for renewable energy systems; adding definitions; and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart.

SUMMARY: Text Amendment – Amend the West Jordan 2009 City Code, Title 13, “Zoning” to allow for renewable energy systems; adding definitions, and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart; City-wide; City of West Jordan (applicant) [Larry Gardner/Greg Mikolash #TA20120006]

FISCAL IMPACT: None.

STAFF RECOMMENDATION:

Staff recommends that the City Council amend West Jordan 2009 City Code, Section 13-2-3 “Definitions;” create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by unanimous vote, recommends that the City Council amend West Jordan 2009 City Code, Section 13-2-3 “Definitions;” create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

MOTION RECOMMENDED:

Text Amendment Motion:

“I move to adopt Ordinance 14- 09 amending West Jordan Municipal Code Section 13-2-3 Definitions; create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

Roll Call vote required

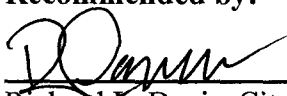
Prepared by:


Larry Gardner, Senior Planner

Reviewed by/Concur with:


Tom Burdett, Development Director

Recommended by:


Richard L. Davis, City Manager

Reviewed as to legal form:


Robert Thorup, Deputy City Attorney

I. BACKGROUND:

The City Council held a Public Hearing on March 12, 2014 to amend the West Jordan 2009 City Code, Title 13, "Zoning" to allow for renewable energy systems; adding definitions, and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart. At that meeting the Council directed staff to make the following changes:

- Proposed Section 13-8-22 (D)(2)(b)(1) which regulates how much solar mounted panels can be raised above the surface of the roof they are mounted on. The change will restrict those panels that are visible from the public right-of way, to being raised to an angle no greater than 5% from the surface they are on. If the panel is not visible from the public right-of way then the panel may be mounted up to 7 feet above the surface of the roof but shall still maintain one side of the panel within 12 inches of the surface of the roof.
- Proposed Section 13-8-22(D)(2)(b) which will allow solar panels to be extended to the peak of the roof they are mounted on.
- Proposed Section 13-8-22(C)(3)(c) and 4(c) which limits one roof mounted wind system per parcel in the R-1 zones.

The lighter shaded portions of the proposed changes to the legislative draft portion(Exhibit B) of this staff report did not change from the March 12, 2014 meeting. The darker shaded portions represent the changes requested by the Council.

V. ATTACHMENTS:

Exhibit A – Proposed Ordinance

Exhibit B – Legislative Draft

Please find the proposed ordinance on the following pages.

Exhibit A Proposed Ordinance

Legal Review-Date/Initial: 4/11/14 1 Ang
Text/Format -Date/Initial: 04/10/14 1 BAC
Dept. Review-Date/Initial: 5/5/14 1 DOB
Adopted: - -2014 Effective: -

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 14-09 [RENEWABLE ENERGY]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13 Chapter 5 and Chapter 8 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 2, Section 3 of the 2009 City Code shall add the following definitions to the Definition section, which will hereafter read as follows:

RENEWABLE ENERGY SYSTEM: A system which produces energy for on or off site consumption by a means other than carbon based power production. Renewable energy systems include wind, solar and geothermal energy production.

SHADOW FLICKER: The shadows cast on the ground and surrounding structures by rotating wind turbine blades.

SOLAR ENERGY SYSTEM, BUILDING MOUNTED: An accessory structure that is roof mounted or wall mounted, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: An accessory structure that is ground mounted panels, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

WIND ENERGY SYSTEM, MICRO-MODEL: A micro-scale wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics with a turbine diameter no greater than four feet (4') and is intended to generate electricity primarily for buildings and/or uses on the same property including primary structures, light poles or accessory structures. Micro-model wind energy systems are considered accessory to permitted structures.

WIND ENERGY SYSTEM, ROOFTOP MOUNTED: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is mounted on and totally supported by the roof system of a primary structure and is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

WIND ENERGY SYSTEM, SMALL: An accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated nameplate capacity of not more than one hundred (100) kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power. (2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

Section 2. Title 13, Chapter 5, Article A, Sections 2 and 3 of the 2009 City Code shall hereafter read as follows:

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C

Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements. (2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-5A-3: LOT AND BULK STANDARDS:

Creation of lots and location of buildings on such lots, shall be subject to the following standards:

Zone	Minimum Lot Area	Minimum Lot Width ¹	Minimum Front Yard	Minimum Corner Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height	Maximum Building Coverage	Separation Between Buildings On Same Lot
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A-1	1 acre	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-5	5 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-20	20 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

Note:

1. Minimum required street frontage in all agricultural zones is 50 feet.
(2001 Code § 89-3-203; amd. Ord. 14-09, 04-23-2014)

Section 3. Title 13, Chapter 5, Article B, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	C	C	C	C	C	C
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home ¹	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			

Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements. (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

Section 4. Title 13, Chapter 5, Article C, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5C-4: PERMITTED AND CONDITIONAL USES:

- A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Gated community	C	

Government service	C	P
Group home, large	C	C
Group home, small	C	C
Hotel, extended stay		C
Hotel or motel		C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.	P	P
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Public park, playgrounds and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C

Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P

Restaurant, fast food (general)	P
Restaurant, fast food (limited)	P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

Section 5. Title 13, Chapter 5, Article D, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5D-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in office and research park zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in office and research park zones.

**PERMITTED AND CONDITIONAL USES
IN OFFICE AND RESEARCH PARK ZONES**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	P-O	BR-P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Airport (hangars only)		C
Bank or financial institution	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Business service		P
Church	C	
College or university	C	

Convalescent care facility	C	
Daycare, general	P	P
Golf course	C	C
Government service	P	P
Group home, large	C	C
Group home, small	C	C
Hospital	C	C
Hotel	C	C
Hotel, extended stay	C	C
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy	AC	AC
Media service	P	P
Medical service	P	P
Motel or motor lodge		C
Motion picture, TV, radio, recording studio and production		P
Office, except pawnshop and bail bond services	P	P
Personal care service	AC	AC
Personal instruction service	AC	AC
Preschool	P	P
Printing and copying, limited	P	P
Printing, general	AC	AC
Recreational	P	P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	C	C
Restaurant, fast food (general)	C	C
Restaurant, fast food (limited)	C	C
Restaurant, general	P	P

School, vocational	P	P
Schools, K - 12	P	P
Temporary office	P	P
Transitional home, large	C	C
Transitional home, small	C	C

(2001 Code § 89-3-502; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

Section 6. Title 13, Chapter 5, Article E, Section 3 of the 2009 City Code shall hereafter read as follows:

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				

Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P		P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P

Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P

Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

Section 7. Title 13, Chapter 5, Article F, Section 2 of the 2009 City Code shall hereafter read as follows:

13-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

PERMITTED AND CONDITIONAL USES IN MANUFACTURING ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	

Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P

Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C ¹
Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		P	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-21-6 of this code. (2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-09, 04-23-2014)

Section 8. Title 13, Chapter 5, Article G, Section 3 of the 2009 City Code shall hereafter read as follows:

13-5G-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in the public facilities zone are listed below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the public facilities zone.

**PERMITTED AND CONDITIONAL USES
IN THE PUBLIC FACILITIES ZONE**

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	P-F
Adult daycare, general	C
Adult daycare, limited	AC
Airport	C
Auditorium or stadium	C
Building moved from another site (see section <u>13-8-12</u> of this title)	C
Bus terminal	C
Cemetery	P
Church or place of worship	P
Club	P
College or university	P
Correctional facility	C
Cultural service	P
Farmers' market	AC

Freight terminal	C
Golf course	C
Government service, except operations centers	P
Group home, large	C
Group home, small	C
Hospital	C
Large scale public utilities	C
Major utility	C
Mass transit railway system	P
Media service	C
Medical services	P
Military facility	C
Minor utility	C
Operations center	C
Parking, commercial	P
Protective service	P
Public park	P
Recreation and entertainment, indoor	C
Recreation and entertainment, outdoor	C
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	C
School, K - 12	P
School, vocational	P
Transitional home, large	C
Transitional home, small	C

(2001 Code § 89-3-803; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

Section 9. Title 13, Chapter 5, Article H, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5H-4: PERMITTED AND CONDITIONAL USES:

Uses allowed in the PRO zone are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards and procedures set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the PRO zone.

PERMITTED AND CONDITIONAL USES IN PRO ZONE

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRO
Agriculture	P
Arboretums	P
Athletic field	C
Cemeteries	P
Community and recreation centers	P
Country clubs	C
Driveways and parking areas for uses, including, but not limited to, equestrian trail nodes, hiking trailheads, picnic areas or scenic lookouts	C
Fish and wildlife management activities or facilities	P
Golf courses	C
Local government facilities	P
Mass transit railway system	P
Nature preserves and conservation areas, public and private	P
Permanent drainage facilities that have been revegetated to be consistent with the surrounding	P

natural vegetation	
Private recreational facilities	C
Public park	P
Public/private utility transmission wires, lines, pipes and poles	C
Stables and riding academies	C
Trails or paths for the use of pedestrians, bicycles and horses	P
Tree farms	P
Zoological park	C

(2001 Code § 89-3-904; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 14-09, 04-23-2014)

Section 10. Title 13, Chapter 5, Article I, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5I-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

**PERMITTED AND CONDITIONAL USES
IN CITY CENTER SUBDISTRICTS**

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	CC-C	CC-R	CC-F
Auditorium	C		
Bail bonds and pawnbrokers	C		C

Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C
Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC
Daycare, limited	P	P	P
Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
Hotel	P	C	C
Hotel, extended stay	P	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.		P	
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C

Office	P	C	P
Outdoor dining	P	C	AC
Park and ride lot	P		
Park, public or private	P	P	P
Parking structures	P	C	C
Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P
Preschool	AC	AC	AC
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) ¹	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses.

(2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 13-34, 12-4-2013; Ord. 14-09, 04-23-2014)

Section 11. Title 13, Chapter 5, Article J, Section 4 of the 2009 City Code shall hereafter read as follows:

13-5J-4: PERMITTED AND CONDITIONAL USES:

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted And Conditional Land Use Chart:

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.	P	P	P	P

Manufactured/prefabricated home ²	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P

Club	C
Daycare, general	C
Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P
Transit station structures, facilities	P
Transitional home, large	C

Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

Section 12. Title 13, Chapter 8, Section 3 of the 2009 City Code shall hereafter read as follows:

13-8-3: ACCESSORY USES, BUILDINGS AND STRUCTURES:

- A. Permitted and Conditional Uses Chart: Accessory uses allowed in all zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the respective zones.

ACCESSORY PERMITTED AND CONDITIONAL USES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

[illegible]

Notes:

1. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
2. Low power radio service facilities shall be conditionally permitted, provided the requirements of chapter 16 of this title are met.
3. Outside storage and operations shall be conditionally permitted, provided the requirements of sections 13-5F-4D and 13-14-3B of this title are met.
4. Wind and solar energy systems shall be conditionally permitted, provided the requirements of section 13-8-21 of this title are met.

B. Accessory Structures In All Zones:

1. No accessory structure shall exceed the height limitations for the district in which it is located. In all residential districts, accessory building height shall not exceed twenty feet (20') unless the principal residential structure on the lot exceeds twenty feet (20'), then the maximum height is limited to the height of the principal structure, up to the district maximum height.
2. The height of an accessory structure shall be measured in the same way as a principal building or structure. (See "height of building", as defined in section 13-2-3 of this title.)
3. A building permit is required for any accessory structure over two hundred (200) square feet in gross floor area. A building permit is also required if any utility services, including, but not limited to, gas, electric, water and sewer, are provided to an accessory structure with two hundred (200) square feet or less of gross floor area.
4. No accessory structure shall be located in a front or corner side yard area of any lot.
5. Agricultural related accessory buildings, not used for human occupancy, in the agricultural, rural residential, and very low density single-family residential (VLSFR) districts are exempt from this section.
6. No accessory building shall be constructed over a platted easement area, unless it meets the requirement of section 13-8-5 of this chapter.

C. Accessory Buildings In Residential Zones, Excluding Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following requirements:

1. Accessory structures shall not be constructed before the principal building is constructed.
2. Accessory buildings shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
3. An accessory building which does not require a building permit per the international residential code may be located in a side yard with no minimum setback required from the property line or principal structure. An accessory building which does require a building permit per the international residential code may be located in a side yard and corner side yard, provided it is at least eight feet (8') from any side property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection C5 of this section.
4. An accessory building which does not require a building permit per the international residential code may be located in a rear yard with no minimum setback required from the property line or principal structures. An accessory building which does require a building permit per the international residential code may be located in a rear yard, provided it is at least six feet (6') from any principal dwelling and at least three feet (3') from the side and rear property lines. An accessory building shall meet all applicable requirements of the international building code and be equipped with facilities for the discharge of all roof drainage onto the lot upon which such accessory building is located. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection C5 of this section.

5. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of three feet (3'), plus one foot (1') for each additional foot of height, or part thereof, in excess of ten feet (10'). For corner lots, an accessory building that exceeds ten feet (10') in height shall be set back from the corner side property line a minimum of twenty feet (20'), plus one foot (1') for each additional foot of height in excess of seventeen feet (17'). Any accessory structure meeting the above requirements shall also be located a minimum of six feet (6') from a dwelling.

6. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

7. An accessory building shall not cover more than twenty percent (20%) of the area of the rear yard of a lot. Accessory buildings in side yards shall not be placed as to be continuous between the side property line and the side of the principal structure without maintaining an access path to the rear yard that is at least three feet (3') in width.

D. Accessory Buildings In Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following standards:

1. An accessory building may be located in an interior side yard or rear yard, provided it is at least eight feet (8') from any side or rear property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection D3 of this section.

2. An accessory building shall not be located in a required street side yard of a corner lot.

3. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of eight feet (8') plus one additional foot for each foot of height over ten feet (10').

4. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

5. A proposed accessory use must first be associated with a principal use on the same lot or parcel.

E. Accessory Buildings In Commercial Zones: In commercial zones, an accessory building may be located on a side or rear property line if all of the following conditions are met:

1. The accessory building shall be located more than ten feet (10') from any principal dwelling on an adjacent property.

2. The accessory building shall have no openings on the side that is contiguous to the property line.

3. The wall of an accessory building adjacent to the property line shall have a two (2) hour fire retardant rating.

4. All accessory buildings shall be located behind the rear facade line of the principal building of the lot. (2001 Code § 89-6-103; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

Section 13. Title 13, Chapter 8, Section 22 of the 2009 City Code shall be adopted and hereafter read as follows:

13-8-22: RENEWABLE ENERGY SYSTEMS

- A. Purpose: The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.
- B. Submittal Requirements for all Wind and Solar Energy Systems:
 - 1. Review Criteria: When a conditional use permit is required, the zoning administrator or planning commission shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:
 - a. Proximity of the system to residential structures and residential district boundaries;
 - b. Possible negative impacts on surrounding properties, including but not limited to noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts,
 - c. Aesthetics of the system, including but not limited to height, wind vanes, color, type, size and the visibility of the system;
 - 2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.
 - 3. Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from above ground lines and who are not otherwise required to underground.
- C. Wind Energy Systems:
 - 1. Design Standard For All Wind Energy Systems:
 - a. Sound: Sound produced by the turbine under normal operating conditions shall meet all applicable noise regulations from the Salt Lake Valley Health Department, except during naturally occurring short-term events like severe storms.
 - b. Shadow Flicker: The tower shall be located so as to reduce the occurrence of shadow flicker on inhabited structures located on adjacent properties.
 - c. Wildlife and Habitat Impacts:

(1) Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review.

(2) Clearing of natural vegetation shall be limited to that which is necessary for the safe construction, operation, and maintenance of the wind energy system. Any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation within 60 days of the system becoming operational.

d. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.

e. Lighting: No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.

f. Signal Interference: The owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system. Such owners may be subject to a notice of violation and administrative penalties if violation occurs.

g. Accessory Buildings and Support Equipment: Buildings and support equipment associated with the tower shall be defined as accessory structures and must comply with Section 13-8-3 of this code.

2. Small Wind Energy Systems:

a. Tower Height:

(1) Commercial, Office, Manufacturing and Public Facility Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed forty feet (40') measuring from the adjacent finished grade to the tip of the blades at their highest point.

b. Blade Height: The minimum height of the lowest point of a turbine blade shall be fifteen feet (15') above the ground.

c. Setback:

(1) The base of the tower shall be setback from all property lines, public rights-of-way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.

(2) The base of the tower shall not be located within any required front, side, or corner side yard area.

(3) The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of ten feet (10').

d. Access:

(1) Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within twenty feet (20') of the ground on a freestanding tower.

(2) Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom twenty feet (20') of the lattice tower so that it cannot readily be climbed.

3. Rooftop Mounted Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as found in the applicable zoning district, or up to eight feet (8') above the roofline of the structure on which it is located, whichever is less.

b. Setback. The proposed roof top mounted wind energy system must be set back from all property lines at a distance equal to the total height of the system, including blades and tower.

c. In R-1 zones only one roof mounted wind energy system is allowed as an accessory use per parcel and must meet all the requirements as an accessory use.

4. Micro-model Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as the structure on which the micro-model system is installed or up to eight feet (8') feet above the highest point of the structure on which is it located, whichever is less.

b. Setback. The proposed micro-model wind energy system must be set back from all property lines at a distance equal to the total height of the structure and system, including blades and tower.

c. In R-1 zones only one roof mounted micro-model wind energy system is allowed as an accessory use per parcel and must meet all the requirements as an accessory use.

D. Solar Energy System:

1. Design Standards for All Solar Energy Systems:

a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights-of-way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing anti-reflective coatings, etc.

b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in code section 13-14-3C of this title.

2. Building Mounted Solar Energy System:

a. Setback: Building Mounted: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to, but are not allowed to extend beyond the surface to which they are attached.

b. Height: Building mounted solar energy systems are allowed to extend to the peak of any existing roof, regardless of height, subject to the restrictions of (D) (2)(b)(1) of this section.

(1) Building mounted solar energy systems that are not visible from the public right-of-way may be bracket mounted or tilted on a roof to a maximum of not more than seven feet (7') above the surface of the roof at the highest finished pitch of the system but shall maintain one side of the array within twelve inches (12") of the roof surface. Roof-mount systems that are visible from the street frontage right-of-way shall not have a highest finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted, and shall be mounted no higher than twelve inches (12") above the roof.

3. Ground Mounted Solar Energy System:

a. Setback: Setbacks for ground mounted solar energy systems shall be the same as accessory structures found in code section 13-8-3C and are prohibited within the front yard area.

b. Height: The maximum height allowed for ground mounted solar energy systems is twenty feet (20') measured from the surrounding natural grade to the highest point of the system.

4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the City.

E. General Provisions:

1. Abandonment:

a. An inoperable system must be dismantled and removed promptly. If a system is not operated for 24 consecutive months it will be presumed that the system is inoperable.

b. The owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within 60 days of the removal and decommissioning of the system.

2. Small decorative systems: Small systems less than three feet (3') in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.

3. This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes. (Ord. 14-09, 04-23-2014)

Section 14. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 15. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this ____ day of _____, 2014.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

Jeff Haaga
Judy Hansen
Chris McConnehey
Chad Nichols
Ben Southworth
Justin D. Stoker
Mayor Kim V. Rolfe

"AYE"

"NAY"

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2014, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Please find Legislative Draft Copy: Renewable Energy Systems on flowing pages.

Legislative Copy: Renewable Energy Systems

Exhibit B

Legislative

13-2-3: DEFINITIONS:

RENEWABLE ENERGY SYSTEM: A system which produces energy for on or off site consumption by a means other than carbon based power production. Renewable energy systems include wind, solar and geo-thermal energy production.

SHADOW FLICKER: The shadows cast on the ground and surrounding structures by rotating wind turbine blades.

SOLAR ENERGY SYSTEM, BUILDING MOUNTED: An accessory structure that is roof mounted or wall mounted, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: An accessory structure that is ground mounted panels, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

WIND ENERGY SYSTEM, MICRO-MODEL: A micro-scale wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics with a turbine diameter no greater than four feet (4') and is intended to generate electricity primarily for buildings and/or uses on the same property including primary structures, light poles or accessory structures. Micro-model wind energy systems are considered accessory to permitted structures.

WIND ENERGY SYSTEM, ROOFTOP MOUNTED: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is mounted on and totally supported by the roof system of a primary structure and is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

WIND ENERGY SYSTEM, SMALL: An accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated nameplate capacity of not more than one hundred (100) kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power. (2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the

standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	A-1	A-5	A-20
Accessory building or structure, residential	P	P	P
Accessory living quarters²	C	C	C
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AG -	AG -	AG -
Home occupation listed in section <u>13-11-3</u> of this title	P	P	P
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P

Large scale public utilities	C	C	C
Low power radio service facility	AG	AG	AG
Manufactured/modular home ¹	P	P	P
Mass transit railway system	P	P	P
Produce stand, selling farm products grown on the premises (not exceeding 300 square feet in area and limited to 1 stand per lot)	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

2. ~~Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.~~

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-5A-3: LOT AND BULK STANDARDS:

Creation of lots and location of buildings on such lots, shall be subject to the following standards:

Zone	Minimum Lot Area	Minimum Lot Width ¹	Minimum Front Yard	Minimum Corner Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height	Maximum Building Coverage	Separation Between Buildings On Same Lot
A-1	1 acre	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

A-5	5 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-20	20 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

Note:

1. Minimum required street frontage in all agricultural zones is 50 feet.
(2001 Code § 89-3-203; amd. Ord. 14-09, 04-23-2014)

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory building or structure	P	P	P	P	P	P

Manufactured/modular home ¹	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

2. ~~Accessory living quarters shall be conditionally permitted provided the requirements of section 13-8-17 of this title are met.~~ (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-5C-4: PERMITTED AND CONDITIONAL USES:

- A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Accessory building or structure, residential	P	P
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P

Garden center (fully enclosed)	-	P
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	C	C
Home occupation	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AG	AG
Hotel, extended stay		C
Hotel or motel		C
<u>Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>	P	P
Large scale public utilities	C	C
Low power radio service facility	AG	AG
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Produce or flower stands	-	P
Public park, playgrounds and athletic areas	P	P
Reception center		C

Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P
Restaurant, fast food (general)		P
Restaurant, fast food (limited)		P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-5D-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in office and research park zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in office and research park zones.

PERMITTED AND CONDITIONAL USES IN OFFICE AND RESEARCH PARK ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	P-O	BR-P
Accessory building or structure, residential	P	P
Adult daycare, general	C	C

Adult daycare, limited	AC	AC
Airport (hangars only)		C
Bank or financial institution	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Business service		P
Church	C	
College or university	C	
Convalescent care facility	C	
Daycare, general	P	P
Golf course	C	C
Government service	P	P
Group home, large	C	C
Group home, small	C	C
Hospital	C	C
Hotel	C	C
Hotel, extended stay	C	C
Large scale public utilities	C	C
Low power radio service facility	AC	AC
Mass transit railway system	P	P
Massage therapy	AC	AC
Media service	P	P
Medical service	P	P
Motel or motor lodge		C
Motion picture, TV, radio, recording studio and production		P
Office, except pawnshop and bail bond services	P	P
Personal care service	AC	AC
Personal instruction service	AC	AC
Preschool	P	P

Printing and copying, limited	P	P
Printing, general	AC	AC
Recreational	P	P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	C	C
Restaurant, fast food (general)	C	C
Restaurant, fast food (limited)	C	C
Restaurant, general	P	P
School, vocational	P	P
Schools, K - 12	P	P
Temporary office	P	P
Transitional home, large	C	C
Transitional home, small	C	C

(2001 Code § 89-3-502; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Garden center, indoor	P	-	P	P	P
Garden center, outdoor (Shall be fully enclosed by a fence. Storage of all materials other than plants shall be fully screened from public view.)	C	-	C	C	C
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P		P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C

Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Low power radio service facility	AG	AG	AG	AG	AG
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Outside storage and operations	-	C	-	-	-
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C

Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

13-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

PERMITTED AND CONDITIONAL USES
IN MANUFACTURING ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
Caretaker's residence (limited to 1 residence per site and shall be integrated into the primary building in which the primary use of the site is housed)	P	P	P
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
Low power radio service facility	AC	AC	AC

Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Outside storage and operations	-	AC	AC
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P
Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Retail warehouse outlet	-	AG	-
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C ¹

Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		P	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-2I-6 of this code. (2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-09, 04-23-2014)

13-5G-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in the public facilities zone are listed below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the public facilities zone.

PERMITTED AND CONDITIONAL USES IN THE PUBLIC FACILITIES ZONE

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	P-F
Adult daycare, general	C
Adult daycare, limited	AC
Airport	C
Auditorium or stadium	C
Building moved from another site (see section <u>13-8-12</u> of this title)	C
Bus terminal	C
Cemetery	P
Church or place of worship	P
Club	P
College or university	P
Correctional facility	C
Cultural service	P
Farmers' market	AC
Freight terminal	C
Golf course	C
Government service, except operations centers	P
Group home, large	C
Group home, small	C
Hospital	C
Large scale public utilities	C
Low power radio service facility	AC
Major utility	C
Mass transit railway system	P
Media service	C
Medical services	P
Military facility	C
Minor utility	C

Operations center	C
Parking, commercial	P
Protective service	P
Public park	P
Recreation and entertainment, indoor	C
Recreation and entertainment, outdoor	C
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	C
School, K - 12	P
School, vocational	P
Transitional home, large	C
Transitional home, small	C

(2001 Code § 89-3-803; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

13-5H-4: PERMITTED AND CONDITIONAL USES:

Uses allowed in the PRO zone are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards and procedures set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the PRO zone.

PERMITTED AND CONDITIONAL USES IN PRO ZONE

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	PRO
Accessory uses	P
Agriculture	P
Arboretums	P
Athletic field	C
Cemeteries	P
Community and recreation centers	P
Country clubs	C
Driveways and parking areas for uses, including, but not limited to, equestrian trail nodes, hiking trailheads, picnic areas or scenic lookouts	C
Fish and wildlife management activities or facilities	P
Golf courses	C
Local government facilities	P
Mass transit railway system	P
Nature preserves and conservation areas, public and private	P
Permanent drainage facilities that have been revegetated to be consistent with the surrounding natural vegetation	P
Private recreational facilities	C
Public park	P
Public/private utility transmission wires, lines, pipes and poles	C
Stables and riding academies	C
Trails or paths for the use of pedestrians, bicycles and horses	P
Tree farms	P
Zoological park	C

(2001 Code § 89-3-904; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 14-09, 04-23-2014)

13-51-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

PERMITTED AND CONDITIONAL USES IN CITY CENTER SUBDISTRICTS

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	CC-C	CC-R	CC-F
Accessory building or structure	P	P	P
Auditorium	C		
Bail bonds and pawnbrokers	C		C
Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C
Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC
Daycare, limited	P	P	P

Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
Home occupation as listed in section 13-11-3 of this title	P	P	P
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction and other related uses for up to 12 clients per session	AC	AC	AC
Hotel	P	C	C
Hotel, extended stay	P	C	C
<u>Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>		<u>P</u>	
Low power radio service facility	AC	-	AC
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C
Office	P	C	P
Outdoor dining	P	C	AC
Outdoor exhibits, displays or sales areas	P	-	-
Park and ride lot	P		
Park, public or private	P	P	P
Parking structures	P	C	C

Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P
Preschool	AC	AC	AC
Produce or flower stands	P	-	AC
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) ¹	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses.

(2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 13-34, 12-4-2013; Ord. 14-09, 04-23-2014)

13-5J-4: PERMITTED AND CONDITIONAL USES:

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted And Conditional Land Use Chart:

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Accessory building or structure	P	P	P	P
Accessory living quarters ²	C	-	-	-

Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) ¹	P			
Animal/fowl keeping	P	C	C	-
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session	AC	AC	AC	AC
Home occupation listed in section 13-11-3 of this title	P	P	P	P
<u>Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Low power radio service facility	AC	AC	AC	AC
Manufactured/prefabricated home ³²	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P

Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. ~~Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.~~
32. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P
Club	C
Daycare, general	C

Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses of up to 12 clients per session	AC
Home occupation listed in section 13-11-3 of this title	P
Low power radio service facility	AC
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P

Transit station structures, facilities	P
Transitional home, large	C
Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 04-23-2014)

13-8-3: ACCESSORY USES, BUILDINGS AND STRUCTURES:

A. Permitted and Conditional Uses Chart: Accessory uses allowed in all zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the respective zones.

ACCESSORY PERMITTED AND CONDITIONAL USES

<u>Legend:</u>		
<u>P</u>	<u>=</u>	<u>Permitted use</u>
<u>C</u>	<u>=</u>	<u>Conditional use</u>
<u>AC</u>	<u>=</u>	<u>Administrative conditional use</u>

[illegible]

husbandry
services

Caretaker's
residence
(limited to 1
residence
per site and
shall be
integrated
into the
primary
building in
which the
primary use
is housed)

P

P

P

Use Type

Zoning District

A R-1 R-2 R-3 R-R R-E R-M PR-D P-C P-O BR-P C-G C-M SC-1 SC-2 SC-3 M-P M-1 M-2 P-F PR-O CC-C CC-F CC-R VLSF-R LSF-R MF-R HF-R M-U

Garden
center,
indoor

P

P

P

P

P

Garden
center,
outdoor
(Shall be
fully
enclosed by
a fence.
Storage of
all materials
other than
plants shall
be fully
screened
from public
view)

C

C

C

C

C

Home
occupation
for dance
studios,
aerobic
exercise,
music
lessons,

A-C A-C A-C A-C A-C A-C A-C AC A-C

AC AC AC AC AC AC AC AC AC

System.
Small⁴

Notes:

1. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
2. Low power radio service facilities shall be conditionally permitted, provided the requirements of chapter 16 of this title are met.
3. Outside storage and operations shall be conditionally permitted, provided the requirements of sections 13-5F-4D and 13-14-3B of this title are met.
4. Wind and solar energy systems shall be conditionally permitted, provided the requirements of section 13-8-21 of this title are met.

A-B. Accessory ~~Uses And Structures Permitted~~ In All Zones:

1. No accessory structure shall exceed the height limitations for the district in which it is located. In all residential districts, accessory building height shall not exceed twenty feet (20') unless the principal residential structure on the lot exceeds twenty feet (20'), then the maximum height is limited to the height of the principal structure, up to the district maximum height.
2. The height of an accessory structure shall be measured in the same way as a principal building or structure. (See "height of building", as defined in section 13-2-3 of this title.)
3. A building permit is required for any accessory structure over two hundred (200) square feet in gross floor area. A building permit is also required if any utility services, including, but not limited to, gas, electric, water and sewer, are provided to an accessory structure with two hundred (200) square feet or less of gross floor area.
4. No accessory structure shall be located in a front or corner side yard area of any lot.
5. Agricultural related accessory buildings, not used for human occupancy, in the agricultural, rural residential, and very low density single-family residential (VLSFR) districts are exempt from this section.
6. No accessory building shall be constructed over a platted easement area, unless it meets the requirement of section 13-8-5 of this chapter.

B C. Accessory Buildings In Residential Zones, Excluding Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following requirements:

1. Accessory structures shall not be constructed before the principal building is constructed.
2. Accessory buildings shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
3. An accessory building which does not require a building permit per the international residential code may be located in a side yard with no minimum setback required from the property line or principal structure. An accessory building which does require a building permit per the international residential code may be located in a side yard and corner side yard, provided it is at least eight feet (8') from any side property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection B5 C5 of this section.
4. An accessory building which does not require a building permit per the international residential code may be located in a rear yard with no minimum setback required from the property line or principal structures. An accessory building which does require a building permit per the international residential code may be located in a rear yard, provided it is at least six feet (6') from any principal dwelling and at least three feet (3') from the side and rear property lines. An accessory building shall meet all applicable requirements of the international building code and be equipped with facilities for the discharge of all roof drainage onto the lot upon which such accessory building is located. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection B5 C5 of this section.
5. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of three feet (3'), plus one foot (1') for each additional foot of height, or part thereof, in excess of ten feet (10'). For corner lots, an accessory building that exceeds ten feet (10') in height shall be set back from the corner side property line a minimum of twenty feet (20'), plus one foot (1') for each additional foot of height in excess of seventeen feet (17'). Any accessory structure meeting the above requirements shall also be located a minimum of six feet (6') from a dwelling.
6. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

7. An accessory building shall not cover more than twenty percent (20%) of the area of the rear yard of a lot. Accessory buildings in side yards shall not be placed as to be continuous between the side property line and the side of the principal structure without maintaining an access path to the rear yard that is at least three feet (3') in width.

C D. Accessory Buildings In Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following standards:

1. An accessory building may be located in an interior side yard or rear yard, provided it is at least eight feet (8') from any side or rear property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection **C3 D3** of this section.

2. An accessory building shall not be located in a required street side yard of a corner lot.

3. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of eight feet (8') plus one additional foot for each foot of height over ten feet (10').

4. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

5. A proposed accessory use must first be associated with a principal use on the same lot or parcel.

D E. Accessory Buildings In Commercial Zones: In commercial zones, an accessory building may be located on a side or rear property line if all of the following conditions are met:

1. The accessory building shall be located more than ten feet (10') from any principal dwelling on an adjacent property.

2. The accessory building shall have no openings on the side that is contiguous to the property line.

3. The wall of an accessory building adjacent to the property line shall have a two (2) hour fire retardant rating.

4. All accessory buildings shall be located behind the rear facade line of the principal building of the lot. (2001 Code § 89-6-103; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 14-09, 04-23-2014)

13-8-22: RENEWABLE ENERGY SYSTEMS

A. Purpose: The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.

B. Submittal Requirements for all Wind and Solar Energy Systems:

1. Review Criteria: When a conditional use permit is required, the zoning administrator or planning commission shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:

a. Proximity of the system to residential structures and residential district boundaries;

b. Possible negative impacts on surrounding properties, including but not limited to noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts,

c. Aesthetics of the system, including but not limited to height, wind vanes, color, type, size and the visibility of the system;

2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.

3. Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from above ground lines and who are not otherwise required to underground.

C. Wind Energy Systems:

1. Design Standard For All Wind Energy Systems:

a. Sound: Sound produced by the turbine under normal operating conditions shall meet all applicable noise regulations from the Salt Lake Valley Health Department, except during naturally occurring short-term events like severe storms.

b. Shadow Flicker: The tower shall be located so as to reduce the occurrence of shadow flicker on inhabited structures located on adjacent properties.

c. Wildlife and Habitat Impacts:

(1) Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review.

(2) Clearing of natural vegetation shall be limited to that which is necessary for the safe construction, operation, and maintenance of the wind energy system. Any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation within 60 days of the system becoming operational.

d. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.

e. Lighting: No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.

f. Signal Interference: The owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system. Such owners may be subject to a notice of violation and administrative penalties if violation occurs.

g. Accessory Buildings and Support Equipment: Buildings and support equipment associated with the tower shall be defined as accessory structures and must comply with Section 13-8-3 of this code.

2. Small Wind Energy Systems:

a. Tower Height:

(1) Commercial, Office, Manufacturing and Public Facility Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed forty feet (40') measuring from the adjacent finished grade to the tip of the blades at their highest point.

b. Blade Height: The minimum height of the lowest point of a turbine blade shall be fifteen feet (15') above the ground.

c. Setback:

(1) The base of the tower shall be setback from all property lines, public rights-of-way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.

(2) The base of the tower shall not be located within any required front, side, or corner side yard area.

(3) The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of ten feet (10').

d. Access:

(1) Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within twenty feet (20') of the ground on a freestanding tower.

(2) Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom twenty feet (20') of the lattice tower so that it cannot readily be climbed.

3. Rooftop Mounted Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as found in the applicable zoning district, or up to eight feet (8') above the roofline of the structure on which it is located, whichever is less.

b. Setback. The proposed roof top mounted wind energy system must be set back from all property lines at a distance equal to the total height of the system, including blades and tower.

c. In R-1 zones only one roof mounted wind energy system is allowed as an accessory use per parcel and must meet all the requirements as an accessory use.

4. Micro-model Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as the structure on which the micro-model system is installed or up to eight feet (8') feet above the highest point of the structure on which is it located, whichever is less.

b. Setback. The proposed micro-model wind energy system must be set back from all property lines at a distance equal to the total height of the structure and system, including blades and tower.

c. In R-1 zones only one roof mounted micro-model wind energy system is allowed as an accessory use per parcel and must meet all the requirements as an accessory use.

D. Solar Energy System:

1. Design Standards For for All Solar Energy Systems:

a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights-of-way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing anti-reflective coatings, etc.

b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in code section 13-14-3C of this title.

2. Building Mounted Solar Energy System:

a. Setback: Building Mounted: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to, but are not allowed to extend beyond the surface to which they are attached.

b. Height: Building mounted solar energy systems are allowed to extend to the peak of any existing roof, regardless of height, subject to the restrictions of (D) (2)(b)(1) of this section.

(1) Solar energy systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one side of the array within 12 inches of the roof surface. If bracket mounted or tilted, the system may not be more than 7-feet above the surface of the roof at the highest point of the system, or up to the maximum height allowed within the zoning district, whichever is less. Building mounted solar energy systems that are not visible from the public right-of-way may be bracket mounted or tilted on a roof to a maximum of not more than seven feet (7') above the surface of the roof at the highest finished pitch of the system but shall maintain one side of the array within twelve inches (12") of the roof surface. Roof-mount systems that are visible from the street frontage right-of-way shall not have a highest finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted, and shall be mounted no higher than twelve inches (12") above the roof.

3. Ground Mounted Solar Energy System:

a. Setback: Setbacks for ground mounted solar energy systems shall be the same as accessory structures found in code section 13-8-3C and are prohibited within the front yard areas.

b. Height: The maximum height allowed for ground mounted solar energy systems is twenty

feet (20') measured from the surrounding natural grade to the highest point of the system.

4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the City.

E. General Provisions:

1. Abandonment:

a. An inoperable system must be dismantled and removed promptly. If a system is not operated for 24 consecutive months it will be presumed that the system is inoperable.

b. The owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within 60 days of the removal and decommissioning of the system.

2. Small decorative systems: Small systems less than three feet (3') in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.

3. This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes. (Ord. 14-09, 04-23-2014)